

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

Complainant,

AT & T,

Respondent.

ALS No.: 09-0717

Judge William J. Borah

Respondent's certificate of service. At the scheduled February 3, 2010, hearing date, Respondent appeared and Complainant was absent. The February 3, 2010, order granted Respondent's two motions and set a case discovery schedule. On February 3, 2010, Respondent represented that it mailed a copy of the order to Complainant.

3. On February 11, 2010, Respondent filed its Answer.

4. On March 3, 2010, Respondent served Complainant with its discovery requests.

Complainant did not serve Respondent with any discovery requests.

5. Complainant failed to respond to Respondent's discovery requests. On April 13, 2010, Respondent wrote to Complainant advising her about the lateness of her discovery responses and informally extended the response date by an additional two and one half weeks, to April 23, 2010.

6. On May 5, 2010, a status hearing took place. Respondent's attorney appeared while Complainant was absent.

7. On May 5, 2010, Respondent was granted leave to file its motion to dismiss. The order also set a briefing schedule. On May 5, 2010, the order was mailed to Complainant and Respondent's Proof of Service was filed with the Commission.

8. On May 12, 2010, Respondent filed its motion to dismiss.

9. Complainant failed to respond to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to attend scheduled status hearings, participate in the discovery procedure and to respond to Respondent's motion to dismiss have unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed with prejudice.

DISCUSSION

Complainant failed to appear at two hearing dates, February 3, 2010, and May 5, 2010. Complainant also failed to serve any discovery requests upon Respondent or to respond to Respondent's discovery requests. Finally, Complainant failed to respond to Respondent's motion to dismiss.

The Commission routinely dismisses abandoned cases. In Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992, Complainant was absent for three consecutive hearings.

Complainant has failed to comply with every order. Complainant's inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice.

RECOMMENDATION

Based upon the foregoing, it is recommended that an order be entered with the following provisions:

1. The Respondent's motion to dismiss complaint be granted;
2. The Complaint before the Commission and the underlying charge of discrimination be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
WILLIAM J. BORAH
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: June 8, 2010